

2010-05-24 PCT/PTO 24 MAY 2001

PATENT APPLICATION/PCT

Serial No. 09/720,278

Attorney Docket No. 702-002214

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

**Pieter Jacob SWART,** : **PHARMACEUTICAL PREPARATIONS**  
**Maria Elizabeth KUIPERS,** : **FOR USE IN COMBATTING OR**  
**Dirk Klaas Fokke MEIJER,** : **PREVENTING SURFACE INFECTIONS**  
**Robert Johan Joseph HAGEMAN** : **CAUSED BY MICROORGANISMS**  
**and Jeroen J.M. VAN DEN BERG** :

International Application :  
No. PCT/EP99/04067 :

International Filing Date :  
28 June 1999 :

Priority Date Claimed :  
26 June 1998 :

Serial No. 09/720,278 :

Received December 21, 2000 :

Pittsburgh, Pennsylvania

May 24, 2001

**LETTER RE COMPLETION OF FILING REQUIREMENTS FOR  
INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL  
STAGE IN U.S. ELECTED OFFICE (EO/US) UNDER 35 USC 371**

**BOX PCT**

Commissioner for Patents  
Washington D.C. 20231

**Attention: DO/EO/US**

Sir:

In response to Document PCT/DO/EO/905 regarding "Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US)" and mailed 30 March 2001, attached hereto are the following documents to complete the United States national phase of the above-identified application:

"EXPRESS MAIL" mailing label number EL763580084US

Date of Deposit May 24, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

Nora Ann Pastrick

(Type or print name of person mailing paper)

*Nora Ann Pastrick*

(Signature of person mailing paper)

1. the Declaration and Power of Attorney for Patent Application executed on January 10, 2001; January 10, 2001; January 8, 2001; January 10, 2001; and January 15, 2001, respectively; and
2. the required copy of the above-mentioned "Notification" to be returned with response.

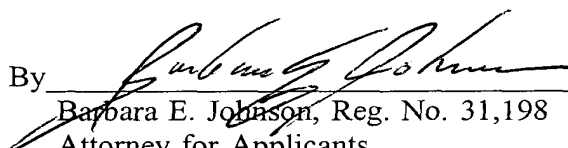
A response to "Notification To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures" was filed under date of April 2, 2001. The response comprised a Sequence Amendment, Sequence Listing and corresponding computer readable form supplied on the diskette filed with the Amendment.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees as set forth in 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Letter are attached.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

#2

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09720278	SWART	702-002214
INTERNATIONAL APPLICATION NO.		
PCT/EP99/04067		
I.A. FILING DATE	PRIORITY DATE	
28 JUN 99	26 JUN 98	

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DATE MAILED:

30 MAR 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.  
☒ Copy of the international application. ☒ Translation of the international application into English.  
☐ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.  
☐ Copy of Article 19 amendments. ☐ Other:  
☐ Priority Document.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.  
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875 ☒ PCT/DO/EO/920

BARBARA CAMPBELL

FORM PCT/DO/EO/905 (March 2001)

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